

REMARKS

Claims 1, 47-70 are pending in the application. Favorable reconsideration of the application is requested.

Entry of the Substitute Specification is requested. No new matter has been inserted in the specification.

Withdrawal of the rejection of the claims under 35 U.S.C. § 112, is requested. The claims have been revised to conform to the present U.S. practice.

Withdrawal of the rejection under 35 U.S.C. § 101, is requested. The claims have been amended to reflect the concrete tangible result of concluding a bargain using computer process, computer apparatus and a computer product storing instructions for carrying out the process. The claims have been rewritten to comply with the U.S. Patent and Trademark Office guidelines for computer implemented inventions. As suggested in the Office Action, the system is now tied to computer apparatus operating over a network.

Withdrawal of the rejection of the claims under 35 U.S.C. § 103, as being unpatentable over Ordish (EP 0434224A2) is requested.

The present invention is directed to expeditiously buying and selling products which lose their value over time, such as flowers, produce, and other perishable items. This may also include tickets to a performance which once the performance date passes, become valueless.

The purchase and sale of perishable items is difficult as many bargains are made before the actual goods are ready for delivery and before inspection by an actual buyer or seller. It is clear, that products which are perishable over time can not be purchased and sold in the same manner that other general goods which retain their value are conveyed.

The present invention provides for an ability for a buyer and seller to reach an agreement with each other based on respective selling information, which the seller makes in the form of an

offer, and buyer information in which the buyer can make in the form of an offer. When the two sets of information agree, it is possible that the bargain be completed.

The Ordish patent (EP 0434224A2), describes a system for dealing in goods which are not perishable over time, and otherwise maintain a value over time. The Ordish system provides a trading system for financial products, such as securities in a stock market. While the value of the security may be increasing or decreasing, buyers and sellers have the ability to watch the actual value of the security and decide when to place a trade for the security. The system requires a real-time matching of a buyers criteria, with an actual price for the device. Ordish includes a system for buying and selling using a video and telephone conversation between a seller and a buyer. A sale is made when the exchange rate or security price matches buyers price.

This is to be distinguished from a system in accordance with the present invention which provides for the sale and purchase of perishable products. The system, rather than buying financial products which vary in price, provides for transactions in products which lose their value over time. The Ordish system trades basically in paper, and not in any actual article, such as flowers, or other perishable items. Accordingly, the problems relating to distribution of the perishable items, the cost of delivery and distribution of these items, as set forth in the applicants claims are not addressed by the Ordish device. Thus, it is not equivalent to trade-in goods that change in value, upward and downward, such as securities, versus dealing in actual products which lose their value after a passage of time and have a zero value. The difference is that financial products almost always never have a particular time in by which they must be sold, whereas perishable goods are in fact traded with this consequence in mind.

As the products which are purchased and sold are different based on these conditions, so are the systems which are used to enable these transactions. For instance, with the present system, matching conditions are based on a respective required dealing date information for sellers and buyers which Ordish does not disclose or suggest. Further, the cost of delivery and distribution are not taken into account or used in any analysis of Ordish as they are in the presently claimed subject matter.

It is requested that the Examiner reconsider the significance of Ordish in light of the foregoing observations. Also, the claims such as claim 49 provide for goods dealing, using two dealing processing functions C1 and C2, which are serially executed so that the remaining perishable products can be bargained for at different conditions.

Claim 49 provides for a third dealing processing means, for another level of bargaining before the goods actually perish to a zero value.

Claim 51 provides for the dealing to occur from clusters of information based on selling information and buying information. It is not seen where the clustering of such information is disclosed in Ordish.

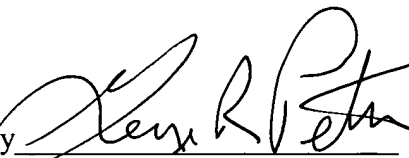
Other claims incorporate these features and are also considered non-obvious as a result of such features. As it has been pointed out, certain claims such as claim 55 include a distribution cost as part of the information given to a buyer during the making of an offer for perishable goods.

It is submitted that these distinctions as are set forth in various claims render the subject matter unobvious from the Ordish reference.

In view of the foregoing, favorable reconsideration is requested. In the event the Examiner believes a interview would advance prosecution of this subject matter, he is urged to contact the undersigned at the telephone number below.

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Respectfully submitted,

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